

The Honorable Jamal N. Whitehead

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PLAINTIFF PACITO; PLAINTIFF ESTHER; PLAINTIFF JOSEPHINE; PLAINTIFF SARA; PLAINTIFF ALYAS; PLAINTIFF MARCOS; PLAINTIFF AHMED; PLAINTIFF RACHEL; PLAINTIFF ALI; HIAS, INC.; CHURCH WORLD SERVICE, INC.; and LUTHERAN COMMUNITY SERVICES NORTHWEST.

Plaintiffs.

V₁

DONALD J. TRUMP, in his official capacity as President of the United States; MARCO RUBIO, in his official capacity as Secretary of State; KRISTI NOEM, in her official capacity as Secretary of Homeland Security; ROBERT F. KENNEDY, JR., in his official capacity as Secretary of Health and Human Services.

Defendants.

NO. 2:25-cv-00255-JNW

STATES' MOTION FOR LEAVE
TO FILE AMICI CURIAE BRIEF
ON BEHALF OF THE STATE OF
WASHINGTON, THE
COMMONWEALTH OF
MASSACHUSETTS, AND THE
STATES OF ARIZONA,
CALIFORNIA, COLORADO,
CONNECTICUT, DELAWARE,
HAWA'I, ILLINOIS, MAINE,
MARYLAND, MICHIGAN,
MINNESOTA, NEVADA, NEW
JERSEY, NEW YORK, RHODE
ISLAND, VERMONT, AND
WISCONSIN IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION

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I. INTRODUCTION

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3 The State of Washington, the Commonwealth of Massachusetts, and the States of
 4 Arizona, California, Colorado, Connecticut, Delaware, Hawai'i, Illinois, Maine, Maryland,
 5 Michigan, Minnesota, Nevada, New Jersey, New York, Rhode Island, Vermont, and Wisconsin
 6 (proposed Amici States) request leave to file an amici curiae brief in support of Plaintiffs' Motion
 7 for Preliminary Injunction (Dkt. #14). Plaintiffs seek to enjoin the enforcement of the Executive
 8 Order titled "Realigning the United States Refugee Admissions Program"; the implementation
 9 of that order, which indefinitely suspended entry and application processing for refugees under
 10 the U.S. Refugee Admissions Program; and the funding suspension for resettlement agencies
 11 that followed. Counsel for Plaintiffs have consented to the filing of this brief, and counsel for
 12 Defendants take no position.

13 The challenged federal actions—which rely largely on the purported interests of States,
 14 including two of the Amici States referenced specifically in the Executive Order—have already
 15 had an immediate and harmful impact on proposed Amici States and the refugee communities
 16 and resettlement agencies therein. Given the federal government's reliance on the purported
 17 interests of States and localities, this Court would benefit from hearing proposed Amici States'
 18 perspective that the challenged actions are unlawful, that they are not in our States' interests, and
 19 that they run counter to the interests purportedly served by the Refugee Ban. For example, the
 20 Executive Order purports to further the goal of preserving the ability to integrate migrants into
 21 our communities. But the challenged federal actions have undermined that goal by suspending
 22 federal funding for the resettlement agencies that perform this vital work for people who are
 23 already in our country, a decision that will significantly harm the integration of refugees into
 24 Amici States. Proposed Amici States request that the Court grant leave to file the attached amicus
 25 brief detailing these arguments.

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II. IDENTITIES AND INTERESTS OF PROPOSED AMICI

Proposed Amici States respectfully submit this brief as *amici curiae* in support of Plaintiffs' Motion for Preliminary Injunction. Proposed Amici States collectively have resettled 44.87 percent of the total refugees entering the United States in fiscal year 2024, and many consistently rank in the top ten refugee receiving states.¹ For example, in fiscal year 2023, New York resettled 6.42% of all arriving refugees, California resettled 6.11%, Arizona resettled 4.34%, Michigan resettled 4.08%, and Washington resettled 4.04%.² Proposed Amici States have created highly effective resettlement systems that welcome refugees into our communities and support refugees as they build new lives in the United States.

Proposed Amici States have an interest in ensuring that their voices are heard when this Court considers the lawfulness of federal action that largely relies on purported State interests as its justification. To that end, proposed Amici States submit this brief to confirm that refugees are a benefit to our States, not a “burden” as asserted in the Executive Order, and contribute both socially and economically. Proposed Amici States also have an interest in ensuring the economic self-sufficiency and successful resettlement of refugees in our communities. Proposed Amici States submit this brief to detail how the challenged federal actions are unlawful, run counter to the interests they purport to serve, and will harm our States and refugee communities.

III. ARGUMENT

The district court has broad discretion to appoint amicus curiae. *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982), *overruled on other grounds by Sandin v. Conner*, 515 U.S. 472 (1995). The classic role of amicus curiae is “assisting in a case of general public interest.

¹ *Refugee Arrivals by State and Nationality Fiscal Year 2024*, Refugee Processing Center (Nov. 13, 2024), https://www.wrapsnet.org/documents/FY%202024%20Arrivals%20by%20State%20and%20Nationality%20as%20of%2030%20Oct%202024_updated.pdf (data provided by the U.S. Department of State Bureau of Population, Refugees and Migration).

² U.S. Dep’t of State, Proposed Refugee Admissions for Fiscal Year 2025, Report to the Congress, 53-54, <https://2021-2025.state.gov/wp-content/uploads/2024/10/Report-Proposed-Refugee-Admissions-for-FY25.pdf>.

1 supplementing the efforts of counsel, and drawing the court’s attention to law that escaped
 2 consideration.” *Miller-Wohl Co. v. Comm’r of Labor & Indus.*, 694 F.2d 203, 204 (9th Cir.
 3 1982). An amicus may not present a “highly partisan” account of the facts but may take a legal
 4 position and present legal arguments in support of that position. *Funbus Sys., Inc. v. State of Cal.
 5 Pub. Utils. Comm’n*, 801 F.2d 1120, 1125 (9th Cir. 1986) (denying motion to strike amicus
 6 briefing by States of Washington and New Jersey in case involving proper application of
 7 Administrative Procedure Act to agency regulation of intrastate motor carrier services). “An
 8 amicus brief should normally be allowed when . . . the amicus has an interest in some other case
 9 that may be affected by the decision in the present case, or when the amicus has unique
 10 information or perspective that can help the court beyond the help that the lawyers for the parties
 11 are able to provide” *Int’l Partners for Ethical Care Inc. v. Inslee*, No. 3:23-CV-05736-
 12 DGE, 2024 WL 416859, at *1 (W.D. Wash. Feb. 5, 2024)) (internal citation omitted).

13 This Court should grant leave for the proposed Amici States to file an amicus brief in
 14 support of Plaintiffs’ motion for a preliminary injunction. Proposed Amici States offer a unique
 15 perspective and seek to provide the Court with their position on the lawfulness of the challenged
 16 federal actions and the harms they would inflict on the States. As the proposed amici brief details,
 17 the Refugee Ban’s stated justification—and its reliance on State interests generally, and states of
 18 emergencies declared in New York and Massachusetts specifically—do not support a finding
 19 that the entry of refugees is “detrimental to the interests of the United States” as required by
 20 Section 212(f) of the Immigration and Nationality Act; the Refugee Ban ignores the States’
 21 existing role in the distribution of refugees before their placement as required by 8 U.S.C.
 22 § 1522(a)(2); and the Refugee Funding Suspension is unlawful under the Refugee Act and the
 23 Administrative Procedure Act because it is arbitrary, capricious, and contrary to law. The
 24 proposed amicus brief details the harms that have occurred and are occurring to proposed Amici
 25 States from the challenged actions, which include depriving the States of the social and economic
 26 benefits of refugees; disrupting resettlement and the integration of refugees who are already

1 present within Amici States; and gutting the formerly robust infrastructure that provided those
 2 resettlement services for the crucial first 90-day period after entry.

3 Because this case indisputably involves issues of public interest and proposed Amici
 4 States would provide unique information or perspective to assist the Court, the Court should
 5 exercise its discretion and allow the proposed Amici States to file the attached amicus brief.

6 **IV. CONCLUSION**

7 Proposed Amici States respectfully request that this Court grant leave for Amici States
 8 to submit their proposed amicus brief.

9 RESPECTFULLY SUBMITTED this 18th day of February 2025.

10 I certify that this memorandum contains 1057
 11 words, in compliance with the Local Civil Rules.

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